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deposited material from the ATCC; however, Applicant has no authority to waive any restrictions imposed by law on the transfer of biological material or its transportation in commerce.

Applicant does not waive any infringement of its rights granted under this patent or under the Plant Variety Protection Act (7 USC 2321 et seq.).

In the Claims

Please amend claims 1, 5, and 7 as follows:

1. (Amended)

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Hybrid maize seed designated 33T17, representative seed of said hybrid 33T17 having been deposited under ATCC accession number PTA-4274.

5. (Amended)

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A tissue culture of regenerable cells of a hybrid maize plant 33T17, representative seed of said hybrid maize plant 33T17 having been deposited under ATCC accession number PTA-4274, wherein the tissue regenerates plants capable of expressing all the morphological and physiological characteristics of said hybrid maize plant 33T17.

7. (Amended)

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A maize plant, or its parts, regenerated from the tissue culture of claim 5 and capable of expressing all the morphological and physiological characteristics of hybrid maize plant 33T17, representative seed having been deposited under ATCC accession number PTA-4274.